

MEETING NOTES
April 24, 2000
TASK GROUP 1

Task Group Members Present:

Ileene Anderson, Margie Balfour, Ray Bransfield, Marie Brashear, David Charlton, Mike Connor, Paul Condon, Tom Egan, Jeri Ferguson, Art Gleason, John Gustafson, Mark Hagan, Bob Harok, Shirley Hibbetts, Gerry Hillier, Grant Jensen, Becky Jones, Peter Kiriakos, Paul Kober, Steve Lilburn, Lisa Northrup, Lorelei Oviatt, Douglas Parham, Daniel Patterson, Bob Rudnick, Bob Sackett, Ian Scarr, Randy Scott, Bill Standred, Bob Strub, Donna Thomas, Tim Thomas, Barbara Veale, Ed Waldheim, Ric Williams

Others Present:

Bill Haigh, Project Leader, Chuck Bell, Larry LaPre, Ed LaRue, Valery Pilmer, Doran Sanchez - West Mojave Plan team; Alana Knaster, Facilitator; Dennis Rempel, Facilitator; Lori Diggins, Assistant

Review of Meeting Notes

Group members were asked to indicate needed modifications to the draft meeting notes from the March 20, 2000 meeting. The following comments were noted and will be reflected in the final notes:

- Page 3 – Discussion of Three-Tier Concept, rephrase sentence preceding list of bullets to read: “Group members discussed the three-tier concept and made the following comments.”
- Page 3 5th bullet re-write as *If there are only two tiers, then there prefer no development in DWMA's, not even 1%.*
- Page 4 – Comparison of two-tier to three tier concepts– Note regarding % development cap in DWMA – Comment that DWMA's need greater level of protection than other areas, need stricter restrictions on development
- Page 4 – Reword sentence following the three-tier to two-tier comparison to read: Group members agreed that the planning team and CDFG Sacramento should meet and discuss this option.
- Page 4 – Change first bullet (“CDFG mandate” to *State Law*
Last bullet delete “to the maximum extent possible”
- Page 4 add a bullet: *two tier approach would necessitate have larger DWMA's to accommodate the loss of the buffer provided by the MUA*

Report on Meetings Regarding Ft. Irwin Expansion

El LaRue of the West Mojave Planning Team staff reported on a series of meetings held to discuss how to mitigate impacts of a proposed plan to expand Ft. Irwin to the west and southwest of its current boundaries. The proposed 270 sq. mi. expansion would result in a loss of 182 sq. miles of prime tortoise habitat area in a proposed DWMA.

Officials from the Departments of Interior and Defense met on December 9, 1999 in Washington DC to discuss the proposed expansion. It was recognized by all those attending that Tortoise recovery must be addressed in the context of the West Mojave recovery unit, not the listed Mojave population. Therefore, impacts to tortoises in the West Mojave must be mitigated in the West Mojave, rather than elsewhere in the four-state listed range (such as the East Mojave). It was also agreed to convene a panel of 12 tortoise experts who would be asked to examine the Army's April 1999 expansion proposal, and answer three questions: (1) would the expansion as proposed in April 1999 jeopardize the desert tortoise in the western Mojave recovery unit? Why or why not? If so, (2) Is it possible to develop a conservation strategy which would provide for the long-term survival and recovery of the tortoise in the West Mojave Recovery Unit, even assuming the

expansion occurred? and, if the answer to question 2 is yes, (3) Describe that conservation strategy. The 12 specialists included representatives from BLM, CDFG, US Fish and Wildlife, USGS, DOD and other recognized experts, including four former desert tortoise recovery team members.

The panel met for three days (January 18-19 and February 18, 2000). BLM staff distributed a memo, dated March 15, 2000, that presented the results and recommendations of the panel.

The panel first examined data, much collected for the preparation of the West Mojave Plan, to determine the current status of the tortoise in the proposed expansion area. The panel concluded that:

- 1) There are currently fewer tortoises now than when the tortoise was listed in 1990; the tortoise is further from recovery.
- 2) Delays in implementing the full range of conservation measures included in the Recovery Plan have contributed to the continued decline of the tortoise
- 3) As a result, the tortoise in the West Mojave is more accurately characterized as “endangered” than “threatened”

Response re Jeopardy - The panel concluded that by eliminating much of the best tortoise area in the WM area, the expansion would jeopardize the long-term survival and recovery of tortoises. The lost area is “critical habitat,” as designated in 1994 and is part of the West Mojave Plan Evaluation Report’s proposed Superior-Cronese DWMA. The land is of particularly high value for tortoises because it is relatively isolated, with no urban interface, few disruptions, and little competing activity. The expansion also will result in the loss of areas of well-blocked public lands, with little of the checkerboard ownership pattern that occurs elsewhere within DWMA’s. And the loss of this land will reduce connectivity for tortoise populations to the west and east of the expansion area.

The panel then looked at the distribution of tortoises and tortoise disease occurrence and concluded that the expansion area could be relatively disease-resistant. The distribution of tortoises within the expansion area is in distinct and separate high-density pockets, separated by low-density areas. This distribution might help to isolate healthy tortoises from diseased populations and reduce the spread of disease, although the panel concluded that more research was needed to determine the disease risk.

The panel also noted that the area supports significant biodiversity of plant species that are found in only one other tortoise critical habitat in the WM area. This biodiversity is an important component of the WM Plan.

Recommended Mitigation Measures – Based upon their conclusion that the tortoise would be jeopardized by the expansion, the panel developed a conservation strategy to ensure the long-term survival and recovery of tortoises even if the expansion occurred. The panel emphasized that jeopardy could be avoided if, and only if, these measures were fully implemented as proposed. These measures included the following:

- Establish a tortoise reserve comprised of the remaining portion of the Superior-Cronese DWMA, and of the three other DWMA’s proposed in the WM Plan Evaluation Report (2,187 sq. mi.). Within the reserve, implement the following:
 - Purchase private lands (est. 720 sq. mi.)
 - Implement a 1% development cap
 - Withdraw all public lands from location and appropriation under the mining laws of the United States
 - Allow no new use of utility corridors
 - Employ eight new full-time rangers for 30 years for enforcement
 - Designate a route network consistent with tortoise recovery
 - Restrict parking, stopping, and camping to an area no more than 15 feet from roads
 - Prohibit organized events from occurring in the reserve

- Allow currently regulated hunting but prohibit other shooting

Other recommendations for certain DWMA's included:

- Within two years, retire specific grazing allotments
- Retire some ephemeral sheep allotments
- Install fencing in areas adjacent to BLM open land and urban interface fences in specified areas

The panel recommended the following requirements for the Army to implement:

- No vehicle traffic within 500 feet of dry lakes
- Implement best practices for dust to protect downwind areas
- Establish an independent advisory group to review proposed mitigation activities
- Undertake a demographic and health survey of tortoises in the expansion area
- Complete a pilot translocation study and using the results of the study, either move tortoises from the expansion area or establish "off limit" areas pending review by the advisory group
- Establish a desert tortoise study area
- Construct tortoise barrier fencing to protect reserve areas bordering the expansion area
- Establish a tortoise adoption and health center.

Finally, the panel recommended the establishment of a long-term off-limits area for all or part of the expansion area if the advisory group finds that the mitigation measures described above are not adequate to compensate for tortoise loss.

Endorsement of Panel Members – Nine of the 12 members signed an endorsement of the findings and recommendations of the panel, with a caveat that endorsement was conditioned on full and complete implementation of all measures." Three panel members, including CDFG and FWS, did not endorse the findings, on the belief that the recommendations were not adequate to ensure recovery; the lost area was too substantial a loss, and/or a belief that the recommendations would not be implemented as proposed due to public or private opposition.

Task Group Discussion

Below are Task Group comments and questions in response to the presentation on the For Irwin panel. (Responses to questions are in italics):

- Will retirement of grazing allotments be permanent? *Retirement would be permanent*
- Tortoises are continuing to die from disease and there is no evidence that land use restrictions will save the tortoise. Recovery is unlikely unless genetic or lifestyle changes are made.
- Disease is a concern, but scientists have known about it only since 1992. Some research is on-going, but so solutions have yet been found. We don't yet know how to fight it.
- Is there a tortoise study center now? *USGS and some universities study tortoises, but there isn't a formal study center. Funding is limited now.*
- Will there be a similar panel for the Lane Mountain Milkvetch? *Unknown at this time*
- Need better on-the-ground management to manage stress to tortoises. This could help to combat the spread of disease.
- What would be the impact of the translocation pilot on open areas? *Unknown at this time.*
- Couldn't areas that formerly had tortoises be used again? *Perhaps, but the DWMA's are the best of what is left in the WM. Other areas are less satisfactory habitat.*
- Some reluctance to move tortoises out of the expansion area, because it could result in genetic mixing and spread of disease. Five different diseases affect tortoises and there is no reliable test now to assess all of them. Don't know if all "healthy" populations are truly healthy. Need more research.
- Isn't translocation the same as voluntary travel by tortoises? *No; tortoises don't move as far on their*

own as they would be moved undertranslocation.

– Translocation might be better than loss from habitat elimination.

Next Steps for the Fr. Irwin Report

One group member suggested that the Task Group prepare a response to the findings. Some other members supported the idea but no action was taken at the meeting. (To be revisited) BLM California Desert District Manager Tim Salt stated that these findings and recommendations are those of a panel of biologists. They are not management recommendations from the agencies. The report is a starting point for further discussion. Salt recommended that the Task Groups should proceed as before, without assuming any modification of the WM Plan for Ft. Irwin. If the expansion goes forward, the Plan will have to be adjusted then. No deadline has been set for policy-makers to respond to the panel's recommendations.

Discussion of DWMA Boundaries

Follow-up and Additional Information re DWMA Boundaries

Per the direction of the Task Group at the prior meeting, BLM staff had been discussing the boundaries of potential incidental take areas with jurisdictions and stakeholders. Several cities and the mining industry have provided their input, which was shared with the Group. Meetings are planned with the counties and other interests. At this point, boundaries, prescriptions, and other decisions are still open pending a decision on whether or not to have a two or three tiered approach.

Members noted that they still had not received information on the locations and habitat needs of other species; discussions thus far had been limited to the tortoise. This information is necessary to make final decisions on DWMA boundaries. BLM then presented updates on progress on Mojave ground squirrel and plants.

Mojave Ground Squirrel – Evaluation Report Chapter 3, which presents a conservation strategy for the squirrel, has nearly been completed. Following a final review by CDFG and FWS, the chapter will be finalized and made available to the public within the next few weeks.

Lane Mountain Milk Vetch – Staff noted that this plant is located only in the DWMA that includes the proposed Ft. Irwin expansion area. Most known locations are within the expansion area; one other known site is just outside the expansion area, on Coolgardie Mesa. It is difficult to spot and a complete assessment has yet occurred. The Army has transferred \$200,000 to BLM to fund a team of botanists to survey the plants both within and outside the expansion area and determine if the expansion will jeopardize the plant. This study will begin in early May and end in early July. TG members suggested that the significant loss of habitat seemed certain to threaten the plant. BLM suggested a focus of the study would be to identify populations outside the expansion area, but that some protection options might exist, even in the expansion area.

Other Plants - Those portions of Evaluation Report Chapters 4, 5 and 6 which deal with sensitive plants are nearing completion. Staff indicated that a team of botanists would be discussing the plants and refining proposed conservation strategies in meetings scheduled for May 16 and 17, 2000. On the agenda for these meetings will be location of populations and protection options. It also was noted that it might be difficult to protect plants on military land and it might be necessary to implement more rigorous protection mechanisms elsewhere.

Review of DWMA boundaries proposed by the Task Group

The Task Group reviewed its discussion of DWMA boundaries based upon input from the prior meeting.

There was a lengthy discussion of whether or not there was any flexibility in the boundaries or whether the biologists' proposals were the bottom line for FWS and CDFG. Staff indicated that the process was very flexible, but stressed the wildlife agencies' conclusion that the Evaluation Report's proposals meet the needs of the species. A DWMA boundary can be changed, but the needs of the species must still be met to obtain permit coverage (e.g. reducing the size of a DWMA in one area might require an offsetting expansion elsewhere).

The Task Group reviewed the revised DWMA boundaries per the maps provided by BLM. There was a consensus that this current draft proposal would be acceptable provided the following caveats can be addressed:

- Need to revisit several boundaries in the northwest corner of the map
- Still need to define what will be permitted within DWMA's
- Still need to see habitat needs for other species.
- DWMA prescriptions will be species-specific (need species specific overlays)
- Need to overlay the DWMA boundaries on route maps to avoid cutting off access.
- Continuing issue on extension of DWMA to Red Rocks- need to wait until more information is available on the ground squirrel and until maps are revisited
- Section of California City (40 sq. mile section) is not definitely going to be added to DWMA to the north. This is contingent on the City expanding its jurisdiction to the south. The City reserves the right to revert to the original DWMA boundary.
- The proposed DWMA areas include 450,000 acres of private land. Impacts of the loss of tax base need to be addressed.
- The area in Joshua Tree (625 sq. mi.), and other areas that contribute to tortoise protection habitat (e.g. the Rand) should be included in the reserve acreage count and shown on maps.
- Boundary near Golden Valley Wilderness- issues related to access for mining, private lands, water pipeline access.
- Barstow landfill buildout (480 acres in NW corner) is still uncertain and may change the boundaries

Revisiting Three-Tier vs Two-Tier Concept

TG members also revisited the issue of the three-tier vs two-tiered incidental take concept discussed at the March meeting. The following comments were made:

- One issue is how much take will occur under each concept
- Issue of adequacy of DWMA's for recovery. A buffer area is important. If there are only DWMA's and IHA areas, then DWMA's will need to be larger.
- Counter concern that there will always be an argument for buffers and several years from now, no one will remember that the DWMA was enlarged to account for a loss of the middle tier.
- Size is only one issue. What is more critical is what is permitted inside the DWMA's. Under the two tier system, one might argue that activities should be more restrictive in a DWMA.
- Both private and public lands have some responsibility for mitigation; both should contribute
- No biological basis for percentage development caps. These caps are planning triggers. When development is nearing a cap, it should trigger a review of the plan with the agencies to see how recovery is proceeding
- Need to see how much habitat for other species is protected
- Each county should have an individual development cap- not a cap for the entire ITA, since a West Mojave cap would be unfair and it could result in a "rush to development first" that might not be to the advantage of conservation efforts.

TG members further discussed how to address management of habitat areas near DWMA boundaries under the two tier approach. Options included:

- Establish buffer areas with special requirements (e.g., surveys) around DWMA's
- Establish special review areas, not boundary driven, but project driven
- Expand DWMA area to include buffer zone within DWMA boundaries. Still two-tier *Comment: Difficult to expand DWMA boundaries uniformly because of existing barriers such as roads.*

TG members asked when CDFG would provide feedback on the two-tier system. Staff indicated that CDFG had been informed of this option and internal discussions were in progress.

Alana Knaster requested that a small group meet to prepare further details of how a two-tiered proposal would be implemented and report back to the full Task Group at its next meeting. Randy Scott agreed to coordinate this effort.

Next Meeting

The next meeting was set for Wednesday May 31, 2000 at 9:30 a.m. in Victorville.